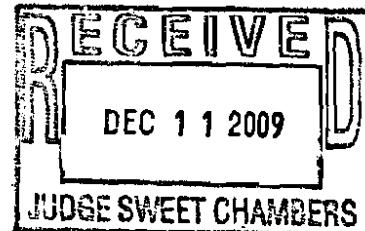


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
MARLON CASTRO, OCTAVIO RANGEL, MARTIN  
VASQUEZ, ALFREDO MARTINEZ, RODOLFO MENDEZ,  
GERARDO ANGULO, JUAN MARTINEZ, JOSE  
CERVANTES, SERGIO SANCHEZ, ISRAEL SANCHEZ,  
MARTINE PEREZ, GUILLERMO MENDOZA, OMAR  
CASTILLO and AMANDO MARTINEZ, individually and on  
behalf of others similarly situated,



07 CV 4657 (RWS)

Plaintiffs,

-against-

SPICE PLACE, INC., SPICE AVENUE, INC., BANGKOK  
PALACE II, INC., SPICE CITY, INC., SPICE WEST, INC.,  
KITLEN MANAGEMENT, INC., KITTIGRON  
LIRTPANARUK and YONGYUT LIMLEARTVATE,

Defendants.

ECF CASE

ORDER FACILITATING  
SETTLEMENT

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 12/14/09

WHEREAS, this is an action involving disputes over wage issues between plaintiffs and defendants; and

WHEREAS, concurrently the Office of the Attorney General of the State of New York ("OAG") has investigated similar claims which overlap with the subject matter of this proceeding; and

WHEREAS, at the request of plaintiffs and defendants herein, the OAG has negotiated a settlement of its investigation with defendants which serves the interests of plaintiffs herein in the form of a document entitled "Assurance of Discontinuance", dated December 11, 2009 ("Assurance"); and

**WHEREAS**, a copy of the Assurance is attached hereto; and

**WHEREAS**, among its terms, the Assurance requires certain payments to be made by defendants thereunder over a two year period (the "Payments"); and

**WHEREAS**, the OAG would not enter into the Assurance unless there was sufficient assets in the name of defendants or affiliates to guarantee that the Payments thereunder would be collected in the event of a default by defendants; and

**WHEREAS**, the plaintiffs and defendants herein both want such Assurance to be executed as its execution will advance the settlement of the action herein; and

**WHEREAS**, Kitlen Realty, LLC, ("Kitlen"), an affiliate of defendants, owns two pieces of real property in the County of Queens, City of New York, with the street addresses of 35-19 72<sup>nd</sup> Street, Jackson Heights, NY, which is more fully described in Schedule A attached hereto and made a part hereof and 73-08 Woodside Avenue, Woodside, NY, which is more fully described in Schedule B attached hereto (collectively the "Property"); and

**WHEREAS**, Kitlen is a signatory to the Assurance and is prepared to induce the OAG to enter into the Assurance by limiting during the term of the payments under the Assurance its ability to sell, alienate or encumber (other than the encumbrances presently on the Property as represented in the Assurance by Kitlen) the Property and is willing to submit to the jurisdiction of this Court for this limited purpose;

**NOW, THEREFORE**, it is:

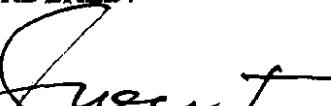
**ORDERED**, Kitlen is permitted to appear in this proceeding and has appeared by its counsel Lipman & Plesur, LLP and the Law Office of Richard E. Signorelli and submitted to this Court's jurisdiction for the purposes set forth above; and it is further

**ORDERED**, that Kitlen may not sell, alienate, or encumber (other than the existing encumbrances to which it represented in the Assurance which is on file with this Court) the Property up to and including March 8, 2012; and it is further

**ORDERED**, that a certified copy of this order shall be recorded with the City Register for the County of Queens against each of the Properties pursuant to Real Property Law §297-b; and it is further

**ORDERED**, that this Order and the limitations upon the Property shall automatically expire on March 8, 2012 without the need of any further order of this Court.

SO ORDERED:

  
\_\_\_\_\_  
Richard T.  
U.S.D.J.  
12-11-09

**SCHEDULE A**  
**PROPERTY DESCRIPTION**

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough and County of Queens (formerly the Town of Newtown), City and State of New York, known and distinguished on a certain Map entitled, "Map of the Village of Locust Grove in the Town of Newtown, County of Queens and State of New York, made by Thomas A. Fields", registered and filed in the Clerk's Office of the said County of Queens on October 12, 1853, as part of Lot Number 215, which part of said Lot is more particularly bounded and described according to United States Standard of Measurement as follows:

BEGINNING at a point on the southerly side of Woodside Avenue, as widened, distant 70.12 feet (70.11 feet on Tax Map) westerly from the corner formed by the intersection of the said southerly side of Woodside Avenue with the westerly side of 74<sup>th</sup> Street (Walnut Street - 17<sup>th</sup> Street), also widened;

RUNNING THENCE southerly parallel with 74<sup>th</sup> Street, 91.72 feet;

THENCE westerly at right angles to the last mentioned course, 25.02 feet (25 feet on Tax Map);

THENCE northerly and again parallel with 74<sup>th</sup> Street, 90.94 feet to the southerly side of Woodside Avenue;

THENCE casterly along the southerly side of Woodside Avenue, 25.03 feet to the point or place of BEGINNING.

SAID PREMISES being known as 73-08 Woodside Avenue, Woodside, New York 11377.

Block: 1353  
Lot: 33

**FOR CONVEYANCE ONLY:**

Together with the right, title and interest of, in and to any streets and roads abutting the above described premises, to the center line thereof. TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

**SCHEDULE A B**

ALL that certain plot, piece or parcel of land, situate, lying and being in the Borough and County of Queens, City and State of New York, bounded and described as follows:

BEGINNING at a point on the easterly side of 72<sup>nd</sup> Street formerly known as 15<sup>th</sup> Street, distant 170 feet southerly from the corner formed by the intersection of the easterly side of 72<sup>nd</sup> Street with the southerly side of 35<sup>th</sup> Avenue, formerly known as Fillmore Avenue;

RUNNING Thence easterly and parallel with 35<sup>th</sup> Avenue, 100 feet;

THENCE southerly and parallel with 72<sup>nd</sup> Street 27.50 feet;

THENCE westerly again parallel with 35<sup>th</sup> Avenue and part of the distance through a party wall 100 feet to the easterly side of 72<sup>nd</sup> Street;

THENCE northerly along the easterly side of 72<sup>nd</sup> Street 27.50 feet to the point or place of BEGINNING.

Said premises known as: 35-19 72<sup>nd</sup> Street, Jackson Heights, New York.

Block 1272  
Lot 68